

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

UNITED STATES OF AMERICA)
)
v.)
)
CHRISTOPHER RANDALL SMITH)
)
Defendant.)

DEFENDANT’S STATEMENT OF POSITION AS TO SENTENCING

In accordance with the Sentencing Procedures Order, the defendant, Christopher Randall Smith, and his counsel, R. Edward Railey, III, hereby represent that at the Sentencing Hearing, set for September 14, 2016, the defendant will offer no evidence by way of testimony, exhibit, affidavit or otherwise. The defendant’s position is that the Presentence Investigation Report prepared by Leah D. Greathouse, United States Probation Officer is fair and complete.

From the commencement of the investigation into the defendant’s criminal conduct, the defendant has fully, fairly and truthfully cooperated with every representative of the United States Department of Justice that he has had contact with. His cooperation and assistance has undoubtedly saved the United States time and expense.

The defendant, without hesitation on April 25, 2016, offered his plea of guilty to one count of conspiracy to commit criminal copyright infringement, in violation of Title 18, United States Code, Section 371, thereby openly and freely acknowledging his responsibility, his guilt and his contrition.

The Presentence Investigation Report reveals only three previous misdemeanor convictions for possession of drug paraphernalia, contributing to the delinquency of a minor, and

reckless driving/accident. Defendant further admits that he plead guilty pursuant to the Virginia first offender statute to possession of marijuana on March 22, 2016 in the Southampton County General District Court.

The defendant was born in Henrico County, Virginia and currently resides in the Town of Boykins in Southampton County, Virginia. He married Megan Maszczak on June 20, 2008 and one child, Jerico Smith, currently age 6, has been born of the union. The defendant and his wife reside at 32184 Broad Street, Boykins, Virginia where they have resided since approximately 2011. The defendant is the sole provider for himself, his wife, and their son.

The defendant suffers from occasional gout, left shoulder pain, high blood pressure and anxiety and takes medications to address these issues. It should be noted that the high blood pressure and anxiety have developed or since his arrest.

The defendant has readily admitted that he has occasionally used alcohol and used marijuana daily from 2010 until the time of his arrest. Since his arrest and as a result of the associated charge and conviction of possession of marijuana he has completed a drug education course.

The Guideline Provisions suggest custody from 12 to 18 months and supervised release from 1 to 3 years. The probation office did not identify any factors that would warrant a departure from the prescribed Sentencing Guidelines.

CONCLUSION

Considering all of the circumstances of this matter as reported in the Presentence Investigation Report, the defendant would respectfully submit that a sentence without incarceration or a sentence at the low end of the Guidelines with the maximum portion permitted

by law being allowed to be served by home confinement would be appropriate. Considering all of the factors, the defendant respectfully represents that a substantial period of incarceration is not justified by the facts and circumstances presented to the Court. For the most part, the defendant has led a good life as a son, husband, father and provider for his family, who rely on him exclusively to generate income. This case represents, for whatever reason, his first felony conviction and a radical departure from his life to date.

/s/
R. Edward Railey, III
VSB # 75336
Attorney for Christopher Randall Smith
Railey and Railey, P.C.
Post Office Box 40
Courtland, VA 23837
PH: 757-653-2351
Fax: 757-653-0930
Email: edward@raileyandrailey.com

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of September 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record who are users of the CM/ECF system.

/s/
R. Edward Railey, III
VSB # 75336
Attorney for Christopher Randall Smith
Railey and Railey, P.C.
Post Office Box 40
Courtland, VA 23837
PH: 757-653-2351
Fax: 757-653-0930

Email: edward@raileyandrailey.com

I also hereby certify that I will mail the document by U.S. mail to the following non-filing user:

Christopher Randall Smith